



Rep. Julie Hamos

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1 AMENDMENT TO SENATE BILL 526

2 AMENDMENT NO. _____. Amend Senate Bill 526, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 1. Short title. This Act may be cited as the
6 Homeowners' Solar Rights Act.

7 Section 5. Legislative intent. The legislative intent in
8 enacting this Act is to protect the public health, safety, and
9 welfare by encouraging the development and use of renewable
10 resources in order to conserve and protect the value of land,
11 buildings, and resources by preventing the adoption of measures
12 which will have the ultimate effect, however unintended, of
13 increasing the costs of owning and operating commercial or
14 residential property beyond the capacity of private owners to
15 maintain.

1 Section 10. Associations; prohibitions. Notwithstanding
2 any provision of this Act or other provision of law, the
3 adoption of a bylaw or exercise of any power by the governing
4 entity of a homeowners' association, property owners'
5 association, or condominium unit owners' association which
6 prohibits or has the effect of prohibiting the installation of
7 a solar energy system or other energy device based on a
8 renewable resource is expressly prohibited.

9 Section 15. Deed restrictions; covenants. No deed
10 restrictions, covenants, or similar binding agreements running
11 with the land shall prohibit or have the effect of prohibiting
12 a solar energy system or other energy device based on a
13 renewable resource from being installed on a building erected
14 on a lot or parcel covered by the deed restrictions, covenants,
15 or binding agreements. A property owner may not be denied
16 permission to install a solar energy system or other energy
17 device based on a renewable resource by any entity granted the
18 power or right in any deed restriction, covenant, or similar
19 binding agreement to approve, forbid, control, or direct
20 alteration of property. However, for purposes of this Act, the
21 entity may determine the specific location where a solar energy
22 system or other energy device may be installed on the roof
23 within an orientation to the south or within 45 degrees east or
24 west of due south provided that the determination does not
25 impair the effective operation of the solar energy system or

1 other energy device. Each homeowners' association and
2 condominium unit owners' association shall adopt an energy
3 policy statement regarding the location, design, and
4 architectural requirements of solar energy systems or other
5 energy devices. An association shall disclose, upon request,
6 its energy policy statement and shall include the statement in
7 its homeowners' or condominium unit owners' association
8 declaration.

9 Section 20. Standards and requirements. A solar energy
10 system or other energy device based on a renewable resource
11 shall meet applicable standards and requirements imposed by
12 State and local permitting authorities. A solar energy system
13 shall be certified by the Solar Rating and Certification
14 Corporation (SRCC) or another similar nationally recognized
15 certification entity.

16 Section 25. Application for approval. Whenever approval is
17 required for the installation or use of a solar energy system
18 or other energy device, the application for approval shall be
19 processed and approved by the appropriate approving entity in
20 the same manner as an application for approval of an
21 architectural modification to the property, and the
22 application shall not be willfully avoided or delayed.

23 Section 30. Violations. Any entity, other than a public

1 entity, that willfully violates this Act shall be liable to the
2 applicant or any other party affected by a willful violation of
3 this Act for actual damages occasioned thereby and for any
4 other consequential damages. Any entity that complies with the
5 requirements of this Act shall not be liable to any other
6 resident or third party for such compliance.

7 Section 35. Costs; attorney's fees. In any litigation
8 arising under this Act, the prevailing party shall be entitled
9 to costs and reasonable attorney's fees.

10 Section 40. Inapplicability. This Act shall not apply to
11 any building which is greater than 30 feet in height.

12 Section 90. The Energy Efficient Commercial Building Act is
13 amended by changing Sections 1, 5, 10, 15, 20, and 45 as
14 follows:

15 (20 ILCS 3125/1)

16 Sec. 1. Short title. This Act may be cited as the Energy
17 Efficient ~~Commercial~~ Building Act.

18 (Source: P.A. 93-936, eff. 8-13-04.)

19 (20 ILCS 3125/5)

20 Sec. 5. Findings.

21 (a) The legislature finds that an effective energy

1 efficient ~~commercial~~ building code is essential to:

2 (1) reduce the air pollutant emissions from energy
3 consumption that are affecting the health of residents of
4 this State;

5 (2) moderate future peak electric power demand;

6 (3) assure the reliability of the electrical grid and
7 an adequate supply of heating oil and natural gas; and

8 (4) control energy costs for residents and businesses
9 in this State.

10 (b) The legislature further finds that this State has a
11 number of different climate types, all of which require energy
12 for both cooling and heating, and that there are many
13 cost-effective measures that can reduce peak energy use and
14 reduce cooling, heating, lighting, and other energy costs in
15 ~~commercial~~ buildings.

16 (Source: P.A. 93-936, eff. 8-13-04.)

17 (20 ILCS 3125/10)

18 Sec. 10. Definitions.

19 "Board" means the Capital Development Board.

20 "Building" includes both residential buildings and
21 commercial buildings.

22 "Code" means the latest published edition of the
23 International Code Council's International Energy Conservation
24 Code, excluding published supplements ~~but including the~~
25 ~~adaptations to the Code that are made by the Board.~~

1 "Commercial building" means any building except a building
2 that is a residential building, as defined in this Section.

3 "Department" means the Department of Commerce and Economic
4 Opportunity.

5 "Municipality" means any city, village, or incorporated
6 town.

7 "Residential building" means (i) a detached one-family or
8 2-family dwelling or (ii) any building that is 3 stories or
9 less in height above grade that contains multiple dwelling
10 units, in which the occupants reside on a primarily permanent
11 basis, such as a townhouse, a row house, an apartment house, a
12 convent, a monastery, a rectory, a fraternity or sorority
13 house, a dormitory, and a rooming house.

14 (Source: P.A. 93-936, eff. 8-13-04; 94-815, eff. 5-26-06.)

15 (20 ILCS 3125/15)

16 Sec. 15. Energy Efficient Building Code. The Board, in
17 consultation with the Department, shall adopt the Code as
18 minimum requirements for commercial buildings, applying to the
19 construction of, renovations to, and additions to all
20 commercial buildings in the State. With respect to commercial
21 buildings, the ~~The~~ Board may appropriately adapt the
22 International Energy Conservation Code to apply to the
23 particular economy, population distribution, geography, and
24 climate of the State and construction therein, consistent with
25 the public policy objectives of this Act.

1 The Board, in consultation with the Department, shall adopt
2 the Code as the minimum and maximum requirements for
3 residential buildings, applying to the construction of all
4 residential buildings in the State. The Board, in consultation
5 with the Department, shall also have the authority to
6 promulgate rules only to the extent that the Board adopts the
7 Code as the minimum and maximum requirements for residential
8 buildings, applying to the construction of all residential
9 buildings in the State. In addition, if the Board desires to
10 appropriately adapt the Energy Conservation Code with respect
11 to residential buildings to apply to the particular economy,
12 population distribution, geography, and climate of the State
13 and construction therein, consistent with the public policy
14 objectives of this Act, it shall suggest rules to the General
15 Assembly and request that the General Assembly authorize such
16 rulemaking by law.

17 (Source: P.A. 93-936, eff. 8-13-04.)

18 (20 ILCS 3125/20)

19 Sec. 20. Applicability.

20 (a) The Code shall take effect one year after it is adopted
21 by the Board and shall apply to any new ~~commercial~~ building or
22 structure in this State for which a building permit application
23 is received by a municipality or county, except as otherwise
24 provided by this Act. In the case of any addition, alteration,
25 renovation, or repair to an existing commercial structure, the

1 Code adopted under this Act applies only to the portions of
2 that structure that are being added, altered, renovated, or
3 repaired.

4 (b) The following buildings shall be exempt from the Code:

5 (1) Buildings otherwise exempt from the provisions of a
6 locally adopted building code and buildings that do not
7 contain a conditioned space.

8 (2) Buildings that do not use either electricity or
9 fossil fuel for comfort conditioning. For purposes of
10 determining whether this exemption applies, a building
11 will be presumed to be heated by electricity, even in the
12 absence of equipment used for electric comfort heating,
13 whenever the building is provided with electrical service
14 in excess of 100 amps, unless the code enforcement official
15 determines that this electrical service is necessary for
16 purposes other than providing electric comfort heating.

17 (3) Historic buildings. This exemption shall apply to
18 those buildings that are listed on the National Register of
19 Historic Places or the Illinois Register of Historic
20 Places, and to those buildings that have been designated as
21 historically significant by a local governing body that is
22 authorized to make such designations.

23 (4) Additions, alterations, renovations, or repairs to
24 existing residential structures ~~Residential buildings.~~

25 (5) Other buildings specified as exempt by the
26 International Energy Conservation Code.

1 (c) A unit of local government that does not regulate
2 energy efficient building standards is not required to adopt,
3 enforce, or administer the Code; however any energy efficient
4 building standards adopted by a unit of local government must
5 comply with this Act. If a unit of local government does not
6 regulate energy efficient building standards, any
7 construction, renovation, or addition to buildings or
8 structures is subject to the provisions contained in this Act.

9 (Source: P.A. 93-936, eff. 8-13-04.)

10 (20 ILCS 3125/45)

11 Sec. 45. Home rule. Except as otherwise provided in this
12 Section, no ~~No~~ unit of local government, including any home
13 rule unit, may regulate energy efficient building standards for
14 commercial buildings in a manner that is less stringent than
15 the provisions contained in this Act.

16 Except as otherwise provided in this Section, no unit of
17 local government, including any home rule unit, may regulate
18 energy efficient building standards for residential buildings
19 in a manner that is either less or more stringent than the
20 standards established pursuant to this Act.

21 Except as otherwise provided in this Section, no unit of
22 local government, including any home rule unit, may hereafter
23 enact any annexation ordinance or resolution, or require or
24 enter into any annexation agreement, that imposes energy
25 efficiency building standards for residential buildings that

1 are either less or more stringent than the energy efficiency
2 standards in effect throughout the unit of local government,
3 including a unit of local government that is subject to State
4 regulation under the Code as provided in Section 15 of this
5 Act, at the time of construction.

6 Any unit of local government that has adopted any
7 previously published editions of the International Energy
8 Conservation Code on or before May 1, 2008, may continue to
9 regulate energy efficient building standards under that Code
10 and any supplements the unit of local government has adopted
11 prior to May 1, 2008.

12 This Section is a denial and limitation of home rule powers
13 and functions under subsection (i) of Section 6 of Article VII
14 of the Illinois Constitution on the concurrent exercise by home
15 rule units of powers and functions exercised by the State.
16 Nothing in this Section, however, prevents a unit of local
17 government from adopting an energy efficiency code or standards
18 for commercial buildings that are more stringent than the Code
19 under this Act.

20 (Source: P.A. 93-936, eff. 8-13-04.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law."